

Remarks

Reconsideration of the above-identified application is respectfully requested.

A request for continued examination was filed on April 1, 2003. In that submission, new Claims 17-32 were added to the application. In the current Office Action, the Examiner is restricting Claims 24-30 and has withdrawn them from consideration as being directed to a non-elected invention. Claims 17-23 have been allowed.

Claims 24-30 are directed to a method preparing a cosmetic composition containing glucans. The Examiner believes that the invention in the previous method claims, is distinct from the claims originally presented, which relate to a cosmetic composition comprising nanoparticulate glucans. Method claims 24-30 now relate to a method of preparing a cosmetic composition containing nanoparticulate glucans. The size of the glucan particles and the solubility of the glucan particles are self-evident to one skilled in the art from the intended function of the glucans as stated in Claim 24. A specific particle size is recited in the claim, for the claim is clearly directed to a method of preparing a cosmetic composition containing glucans. Such method would warrant a small particle size, such as a nanoparticulate form which is mentioned in the claim, as well as water solubility which would be compatible with cosmetic compositions. Clearly, Claims 24-30 as now presented are not divergent from the claimed invention, and should be included in the prosecution of the remaining claims. Reconsideration of the Examiner's withdrawal of the Claims 24-30 is respectfully requested.

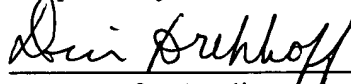
Claims 31-32 have been rejected under 37 USC § 112 (e) has been anticipated by the Engstad et al reference, WO 95/30002.

The Examiner believes that the Engstad et al. reference teaches compositions containing water-soluble β -(1,3) glucans in the form of “fine, dry powder.” The Examiner refers to Examples 6 in Claim 10 indicating that the recitation of “fine powder” encompasses the claimed particle size of 10 to 300 nm.

Claim 31 has been amended to indicate that the particles of the nanoparticulate water-soluble β -(1,3) glucans are now embedded in a protective colloid. This amendment clearly distinguishes Claim 31 and Claim 32, which depends from Claim 31 from Engstad et al. reference. The Engstad et al. reference does not disclose the use of colloids with the subject glucans. Clearly, the Engstad et al. reference cannot anticipate amended Claim 31 as well as Claim 32.

In view of the foregoing, Applicants respectfully submit that the rejections be withdrawn for the claims meet the requirements of 35 U.S.C. Therefore, an early Notice of Allowance in the above-identified application is respectfully requested.

Respectfully submitted,



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Claims

1-16 (canceled)

17. (currently amended) A method for improved glucan resorption in skin or hair comprising applying to the skin or hair a cosmetic composition comprising nanoparticulate water-soluble β -(1,3)-glucans, which have intact β -(1,3) side chains and are free from repetitive β -(1,6) linkages and have particle diameters of about 10 to 300 nm.

18. (previously presented) The method according to claim 17, comprising glucans based on yeast of the family *Saccharomyces*.

19. (previously presented) The method according to claim 17, wherein the nanoparticulate glucans are embedded in a protective colloid.

20. (previously presented) The method according to claim 19, wherein the protective colloid is selected from the group consisting of polyvinyl alcohol and polyethylene glycol.

21. (previously presented) The method according to claim 17, wherein the glucan is present in the amount of about 0.1% to about 5% by weight relative to the cosmetic composition.

22. (previously amended) The method according to claim 17, wherein the nanoparticulate water-soluble β -(1,3)-glucans have improved resorption in skin and hair.

23. (previously presented) The method according to claim 17, wherein cosmetic composition is a sun radiation protective agent.

24. (currently amended) A method of preparing ~~glucans for use in~~ a cosmetic composition which has improved glucan resorption comprising the steps of:

~~contacting glucan β -(1,3) and β -(1,6) linkages with β -(1,6) glucanases to loosen substantially all β -(1,6) linkages and reducing the size of the resulting glucans into nanoparticulate form.~~

(a) preparing water-soluble β -(1,3)-glucans, which have intact β -(1,3) side chains and are free from repetitive β -(1,6) linkages and have particle diameters of about 10 to 300 nm, by the process comprising contacting glucan β -(1,3) and β -(1,6) linkages with β -(1,6) glucanases to loosen substantially all β -(1,6) linkages and reducing the size of the resulting glucans into nanoparticulate form, and (b) embedding the nanoparticulate glucans in a protective colloid.

25. (previously presented) The method according to claim 24, wherein the resulting

glucans have a particle size ranging from about 10 to about 300 nm.

26. (previously presented) The method according to claim 24, wherein the reduction of the size of the resulting glucans into nanoparticulate form comprises the steps of:

- a) dissolving the water-soluble $\beta(1,3)$ glucans under supercritical conditions
- b) relaxing fluid pressure through a nozzle in a vacuum, gas or liquid, and
- c) evaporating the solvent.

27. (previously presented) The method according to claim 26, wherein the conditions for dissolving the water-soluble solvent are close to critical condition.

28. (previously presented) The method according to claim 24, wherein the nanoparticulate glucans are embedded in a protective colloid.

29. (currently amended) The method according to claim 28, wherein the protective ~~glucans~~ colloids are selected from the group consisting of polyvinyl alcohol and polyethylene alcohol.

30. (previously presented) The method according to claim 26, wherein the glucan is present in the amount of about 0.1% to 5% by weight relative to the cosmetic composition.

31. (currently amended) A cosmetic composition comprising nanoparticulate water-soluble $\beta(1,3)$ -glucans, which have intact $\beta(1,3)$ side chains and are free from repetitive $\beta(1,6)$ linkages and have particle diameters ranging in size from about 10 to 300 nm. embedded in a protective colloid.

32. (previously presented) The cosmetic composition of claim 31, wherein the glucan is present in the amount of about 0.1% to about 5% by weight.